31. (once amended) A sweetened edible formulation, comprising a sweetener having fewer calories than sucrose and a substantially non-digestible depolymerized food gum selected from the group consisting of guar gum, locust bean gum, konjac gum, [tamarind seed gum,] xanthan gum, pectin, carrageenan, and alginates, and combinations thereof, wherein the depolymerized food gum has an average DP of 3 to 75.

35. A method for providing non-nutritive bulk to edible products, comprising the steps:

a. depolymerizing a food gum selected from the group consisting of guar gum, locust bean gum, konjac gum, [tamarind seed gum,] xanthan gum, pectin, carrageenan, and alginates, and combinations thereof, to form a water soluble, substantially non-digestible, bulking agent, having an average DP of 3 to 75 and a maximum viscosity of 50 cps in a 30% solution; and

b. substituting the depolymerized food gum for 0.5 to 100% of at least one nutritive component of the edible product,

wherein the depolymerized food gum provides the physical, organoleptic and non-sweetening, functional benefits of the nutritive component for which the depolymerized food gum was substituted.

Please add the following new claims.

36. An edible formulation, comprising an edible, water soluble hydrolysate of tamarind seed gum, wherein the hydrolysate of tamarind seed gum is not produced by cellulase hydrolysis, and wherein the tamarind seed hydrolysate has a weight average molecular of about 500 to 5,000, an average DP of 3 to 75, and a maximum viscosity of 50 cps in a 30% solution, and wherein the tamarind seed gum hydrolysate functions as a bulking agent in the edible formulation.

37. The edible formulation of Claim 36, wherein the hydrolysate of tamarind seed gum is substantially non-digestible.

38. A sweetened edible formulation, comprising a sweetener having fewer calories than sucrose and a substantially non-digestible depolymerized tamarind seed gum, wherein the depolymerized tamarind seed gum has an average DP of 3 to 75, and wherein the tamarind seed gum has not been depolymerized by treatment with cellulase.

39. The sweetened edible formulation of Claim 38, further comprising aspartame, or its salts or metal complexes, acesulfame-K, alitame, trichlorogalactosucrose, cyclamates, saccharin, fructose, neohesperidine, or mixtures thereof.

40. The edible formulation of Claim 36, wherein the edible formulation is selected from the group consisting of baked goods; puddings, creams and custards; jams and jellies, confections; soft drinks and other sweetened beverages, in liquid or dry form; sauces and salad dressings; ice cream and frozen desserts; and pharmaceuticals.

41. The edible formulation of Claim 40, wherein the formulation further comprises aspartame, or its salts or metal complexes, acesulfame-K, alitame, trichlorogalactosucrose, cyclamates, saccharin, fructose, neohesperidine, or a mixture thereof.

42. A method for providing non-nutritive bulk to edible products, comprising the steps:

a. depolymerizing a tamarind seed gum by a means other than hydrolysis with a cellulase, to form a water-soluble, substantially non-digestible bulking agent, having an average DP of 3 to 75 and a maximum viscosity of 50 cps in a 30% solution; and

b. substituting the depolymerized tamarind seed gum for 0.5 to 100% of at least one nutritive component of the edible product,

wherein the depolymerized tamarind seed gum provides the physical, organoleptic and non-sweetening, functional benefits of the nutritive component for which the depolymerized tamarind seed gum was substituted.

## REMARKS

Applicants have amended their claims to eliminate any claim to tamarind seed gum hydrolysate produced by cellulase hydrolysis. In addition, Applicants' claims have been amended to include a viscosity limitation that reflects the functional characteristics of the bulking agents in the foods and other edible formulations claimed by Applicants.

Rejection under Section 102(e), or Section 103, over Tomita:

The Examiner has maintained his rejection over Tomita in spite of the 37 C.F.R. Section 1.131 Affidavit submitted by Applicants in their previous response herein. The Examiner correctly notes that MPEP Section 715.03 permits him to continue the rejection notwithstanding the submission of this Affidavit. However, MPEP Section 715.03 permits Applicants to overcome the continuing rejection with a showing that their generic invention antedates the reference showing a species that was not described in their earlier Affidavit.

Applicants are submitting herewith a Supplemental Affidavit stating that prior to the filing date of the Tomita reference, Applicants defined their invention to include the general class of any "non- cellulosic or non-starch heteropolysaccharides" that had been depolymerized to a degree that "permits the polysaccharide to function like sucrose while retaining the low digestibility of the base." While Applicants' Invention Disclosure document recites guar, locust bean and tamarind seed gums as specific examples of